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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SENOJA V. MADISON-HAMIM,

11 Plaintiff,

12 v.

13 TIME LIFE LIBRARIES, INC., *et al.*,

14 Defendants.

15
16 Case No. C04-2418L

17 ORDER DENYING PLAINTIFF'S
18 MOTION FOR EXTENSION AND
19 GRANTING DEFENDANTS' MOTION
20 TO DISMISS FOR FAILURE TO
21 SERVE

22 On April 13, 2005, defendants Time-Life Libraries, Inc.; AOL/Time Warner, Inc.; Time,
23 Inc.; Pillsbury Winthrop LLP; Davis, Grumm, Payne, Marra, & Berry; and Elizabeth A. Lalik
24 (collectively, the "moving defendants") filed a motion to dismiss based on plaintiff's failure to
25 serve them within the 120-day period set forth in Federal Rule of Civil Procedure 4(m). (Dkt.
26 #7).

27 On May 6, 2005, plaintiff Senoja Madison-HaMim filed a motion for an extension of
28 time to respond to the moving defendants' motion to dismiss. See Motion for Extension of Time
29 (Dkt. #17). Plaintiff requests a one week extension to procure affidavits from process servers.
30 Plaintiff filed this action in December 2004, and has not shown good cause for an extension.
31 Moreover, her motion is moot because she has in effect been given an additional seven days

1 during the pendency of her motion for an extension. Despite the *de facto* extension, she has not
2 provided proof of service. Accordingly, plaintiff's motion for an extension is DENIED. (Dkt.
3 #17).

4 The Court also considers the merits of the moving defendants' motion to dismiss. The
5 record clearly shows that plaintiff has not complied with the requirements of Rule 4(m).¹
6 Dismissal is therefore appropriate. See, e.g., Borgan v. Frontier, 710 F. Supp. 1300, 1301 (W.D.
7 Wash. 1988) (noting that "the Ninth Circuit has consistently mandated dismissal when the
8 plaintiff does not complete service within the 120-day period").

9 Because plaintiff has not properly served the moving defendants, their motion to dismiss
10 is GRANTED (Dkt. #7) and plaintiff's claims against the moving defendants are dismissed
11 without prejudice.

12 The Court will issue a separate order regarding the moving defendants' motion for
13 sanctions, noted for consideration on May 27, 2005.

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15 DATED this 19th day of May, 2005.

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18 Robert S. Lasnik
United States District Judge
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26 ¹ Plaintiff has provided proof of service only for AOL/Time Warner, but the service was
27 accomplished after the 120-day period. Plaintiff's Motion, Ex. E.